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**Solutia Inc.**  
10300 Olive Boulevard  
P.O. Box 66760  
St. Louis, Missouri 63166-6760  
Tel/ 314-674-1000

(Via Certified Mail)

July 15, 1999

Mr. Kevin Turner  
Environmental Scientist, OSC  
U. S. Environmental Protection Agency  
c/o Crab Orchard National Wildlife Refuge  
8588 Rt. 148, Marion, IL 62959

Re: U. S. EPA UAO - Docket No. V-W-99-C-554  
Dead Creek Culverts  
Sauget Area I

Dear Mr. Turner,

Pursuant to the July 8, 1999 conference in Cahokia to discuss the referenced U. S. Environmental Protection Agency ("EPA") Unilateral Action Order (UAO) issued on June 21, 1999, and received by Solutia Inc. June 28, 1999, this correspondence will respond to the parties' agreement at the conference that within 5 business days of the conference, Solutia would provide to EPA technical staff a letter outlining the proposal presented at the conference. EPA further requested at the conference that Solutia make a commitment that by July 30<sup>th</sup>, Solutia will determine and present to EPA some leveraged, focused actions - which could be implemented in shorter time frames with more immediate results than the comprehensive proposal presented by Solutia at the conference. Solutia committed to meet this request in a July 12, 1999 letter from Mr. Brent Gilhousen to Mr. Thomas Martin.

As was discussed in detail at the July 8 conference, Solutia consultants have conducted a hydraulic study of the Dead Creek watershed. The findings from this work form the technical basis for the alternative proposal presented by Solutia at the conference. The final report for the hydraulic study will be sent to you under separate cover on Friday, July 16. Summarizing the conclusions from this study:

- Sediment and debris removal from culverts will not significantly reduce flood levels along Dead Creek.

- Upgrading existing culverts to current engineering standards by replacement with box culverts will not eliminate flooding and will increase flood discharges to downstream regions of Dead Creek.
- Improvement of flow conveyance at road crossings across Dead Creek will increase both flood discharge rates and sediment transport.
- The flooding problems of Dead Creek are complex and require a comprehensive approach for their resolution.
- Flooding can occur because of both bank overflow in low bank areas and because of the inability of ponded waters from direct runoff to drain from low lying areas beyond the creek banks.
- Low bank areas along the creek not only contribute to out-of-bank flooding but also allow flood waters to reach areas behind higher banks.
- Improving creek conveyance and out-of-bank surface drainage without aggravating current flooding or sediment transport will require examination of a wide range of alternatives of stream flow management and drainage infrastructure enhancements in the Dead Creek watershed.

The UAO requires that the Respondent, "...replace all current culverts on Dead Creek with pre-cast concrete culverts sized to convey water from one creek segment to the next without build-up under flood conditions...done in a manner that minimizes the disturbance of sediments in Dead Creek and prevents the movement of sediments from one segment to the next". Solutia has several concerns with the UAO approach:

- It represents a 3-4 year / multi-million dollar project
- It doubles the work in - & effect on - residential areas
- It has the potential to spread contaminated sediments & extend the cleanup
- It only partially addresses just one aspect of water management
- It will not eliminate flooding from Dead Creek

Consistent with the hydraulic study results and its conclusion that the Work proposed by the UAO will not effectively address EPA's statement of the existence of an "...imminent and substantial threat to public health, welfare, or the environment..." (UAO Section IV, Conclusions of Law and Determinations, Item 6), Solutia's proposal for responding to the UAO differs substantially from that proposed in the UAO. Solutia's alternative to the UAO is the "Cahokia Plan", which effectively and permanently addresses Dead Creek contamination faster and more effectively than the Work proposed in the UAO. The Cahokia Plan thus provides the EPA and the citizens of Cahokia with more benefits in a shorter time.

Part I of the Cahokia Plan involves a commitment from Solutia to negotiate in good faith an order (this could be a modification to the current UAO) to design and install a risk based, final remedy for all contaminated creek sediments (capacity for area soils could also be included). The contaminated sediments would be placed in an on-site double-lined containment cell meeting all (including TSCA) applicable regulatory requirements. This approach would eliminate the source of contamination, thereby eliminating the potential for contaminant transport through Dead Creek flooding. The protective containment

facility would be sited on PRP previously acquired properties contiguous to Sector B (bounded by Queeny Ave. on the north and Judith Lane on the south). Within the same 3-4 years it would take to replace all the culverts on Dead Creek, the source of the potential exposure and the final remedy for the creek sediments could be implemented.

Part II of the Cahokia Plan would address all Cahokia water management needs in the Dead Creek watershed. This includes both the potential for the creek to overflow its banks as well as inadequate infrastructure in the Dead Creek area needed to convey direct runoff away from residential areas. Solutia will facilitate a comprehensive, area wide water management study - beginning immediately. The work product from this comprehensive study and subsequent design will be integrated into the final environmentally driven remedy for Dead Creek. A \$300K State grant has been appropriated and is ready for immediate disbursement to Cahokia to begin work on the comprehensive Cahokia water management study and engineering design. Additional funding will be needed to complete the engineering and installation of the water management project. Solutia will continue to work with Cahokia to provide technical and project management assistance, as well as providing assistance in procurement of the additional funding needed to move the project forward.

By starting on the cleanup of the creek now (Cahokia Plan, Part I) and the comprehensive water management project simultaneously (Cahokia Plan, Part II), the City will be prepared to move forward with installation of a major storm water infrastructure improvement project immediately upon completion of the design - with no further delays since the Dead Creek soils and sediments cleanup will be complete.

The Cahokia Plan brings immediate benefits to Sauget Area I stakeholders. EPA has a PRP willing to negotiate an order to fund the remedy for sediments and soils and the City residents obtain the benefits of the fastest route possible to clean-up and elimination of the decades-old water management problems surrounding Dead Creek.

In summary, Solutia seeks to focus on key problems and solve them in a protective, timely and cost effective manner and is willing to make enforceable commitments given that expectation. Solutia believes the proposal outlined here is the most appropriate course of action for all stakeholders involved. In addition and as stated earlier, Solutia will by July 30, 1999, send to EPA an enhancement of this proposal, incorporating some additional, shorter term actions, that could be implemented to more immediately address the concerns expressed in the UAO.

Sincerely,



D. M. Light  
Manager, Remedial Projects  
Solutia Inc.

**cc: U.S. Representative Jerry F. Costello  
Senator James F. Clayborne, Jr.  
Mr. Thomas Martin, Esq. - USEPA  
Mr. Mike McAteer - USEPA  
Ms. Candy Morin - IEPA  
Mr. Brent Gilhousen, Esq. - Solutia  
Mr. Joseph Nassif, Esq. - Thompson Coburn  
Mr. Frank Miles - Office of Representative Jerry F. Costello  
Mr. Mike Campbell - Office of Representative Jerry F. Costello  
Mr. Chris Perzan, Esq. - IEPA  
Mr. Mike King - Mayor, Cahokia**